

C.A. No. 18-cv-427-JJM-LDA

A motion to vacate judgment under Rule 60(b) provides specifically: “The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order, or proceeding was entered or taken.” *See United States v. Marin*, 720 F.2d 229, 231 (1st Cir. 1983). In this case, the Court entered judgment on January 27, 2020. ECF No. 58. On November 15, 2022, the First Circuit affirmed judgment, on March 6, 2023, the First Circuit denied her petition for rehearing, and on March 14, 2023, the First Circuit issued a mandate. ECF Nos. 60, 61. Ms. Caito filed her motion to vacate based on newly discovered evidence or misconduct (most of which she argued both before this Court and on

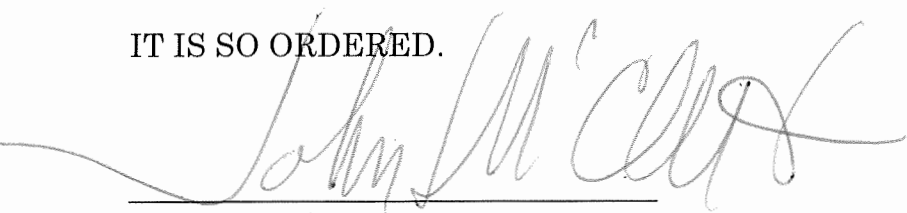
appeal to the First Circuit) on September 7, 2023, forty-three months after judgment entered and thirty-one months after expiration of the one-year period mandated by Rule 60(b). ECF No. 65. No relief can be granted because Ms. Caito's claims are time-barred. Ms. Caito's motion to vacate judgment under Federal Rule of Civil Procedure Rule 60(b) is DENIED. *Id.*

Citibank moves to confirm the foreclosure sale, which Ms. Caito has not opposed. ECF No. 74. That motion is GRANTED. *Id.*

The Court ORDERS:

1. The sale of the property located at 16 Yosemite Valley Road, Westerly, RI to Alpha Holdings, LLC, 213 Vistas Ct., East Greenwich, RI is confirmed as a final sale;
2. The foreclosure sale of property located at 16 Yosemite Valley Road, Westerly, RI to John Vanikiotis for \$4,181,000.00 was commercially reasonable.
3. The September 8, 2023 foreclosure sale shall forever be a perpetual bar against any equity of redemption on property located at 16 Yosemite Valley Road, Westerly, RI held by the IRS and Katherine L. Caito, including their heirs, executors, administrators, successors and assigns, and all persons claiming the premises, so sold, by, through or under them.

IT IS SO ORDERED.



John J. McConnell, Jr.  
Chief United States District Judge

May 22, 2024